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Snowy Plover agreement between county and BLM to move forward

Port clerical error results in excess tax of \$54,000, citizen says - The county will continue to pursue a cooperative agreement with the Coos Bay District Bureau of Land Management (BLM) regarding management of the western snowy plover and responsible public use of the New River Area of Environmental Concern (ACEC).

That decision was made by Curry County Commissioners Rachelle Schaaf, Lucie LaBonté and Marlyn Schafer at the regular BOC meeting Monday, November 25 in Gold Beach.

In the agreement, the BLM agrees to open the beach west of Floras Lake to public access

However, the original draft agreement between BLM, the county and the Oregon Parks and Recreation Department will be modified slightly, at the request of the Commissioners, before county officials sign off on the document.

For example, an east-west fence will not be constructed across BLM property, restricting public access to lands north of the fence from March 15 to September 15 as originally set forth in the scope of agreement.

As Richard Conrad, BLM Field Manager for the Coos Bay District pointed out, "the east-west fence really wouldn't provide additional protection" for the 'threatened' snowy plover as people could still gain access to the closed areas by coming up the beach.

BLM, Conrad said, would simply implement a dry sand closure on the county's property to the north during the bird's breeding season (March 15 to September 15) in exchange for allowing access to the Floras Lake section owned by the county..

The Commissioners also objected to sharing costs for purchasing materials for fencing and signage as the county is short of funds. But, as the BOC noted, the county would assist in installing, maintaining and removing the materials.

Conrad said the BLM would step in and help out, if necessary. He also pointed out that the fencing and signage materials are relatively inexpensive—and most are already on hand from previous seasons. He also explained that the county helped BLM officials install the fencing before.

Finally, before the unanimous decision by the BOC to move forward with the agreement—with changes expected to be drafted by Conrad in conjunction with County Counsel Jerry Herbage—Conrad reminded the Commissioners that the biological assessment for the area is due January 1.

During the Citizen's Concerns portion of the meeting, Henry Lustig of Ophir

addressed the BOC about an issue concerning the Port of Gold Beach.

In a prepared statement, Lustig said that "due to an unfortunate clerical error by the Port of Gold Beach, undetected by its Directors, Budget Committee and Auditors, the tax rate for the Port's Hancock Property bond for 2002-3 is \$0.32 per \$1,000 of valuation, up from \$0.19 from last year's (2001-2), a staggering 76% increase. The district taxpayers were thus hit with an excess tax totaling \$54,000."

Lustig's statement continued to say "This amount is, furthermore, over and above the rate of 0.235 per \$1,000 the voters authorized when the Hancock Property Acquisition bond passed in 1996: 36% above what the voters agreed to!"

Lustig also suggested that the BOC take the following remedial steps:

- "The Curry Board of Commissioners instruct the county Treasurer to keep the excess amount in escrow so it, plus accrued interest, be kept for the 2003-4 tax cycle, in its entirety, at which time is be used to offset that year's taxes. This money does not belong to the port but rather to the district taxpayers!
- "The Curry Board of Commissioners instruct the county Assessor to assure that the 2003-4 port district taxes are accurately adjusted to return to the taxpayers the amount they were over-taxed in 2002-3 plus accrued interest.
- "The Curry Board of Commissioners establishes procedures for the Assessor and Treasurer to guard against such future errors by dutifully scrutinizing the annual requests from the taxing entities for amounts to be levied."

Lustig said he had talked with Port Manager Mike Nielson, members of the Port Budget Committee and the county treasurer regarding the over-charge. Schafer responded that the Commissioners "have to see what the law says we do." State agencies as well as the auditors would have to be contacted first before the county could determine its duties and responsibilities, she pointed out.

"I don't know if we can instruct the Assessor and Treasurer since they're elected," LaBonté said.

In a 2-1 vote, with LaBonté opposed, the BOC approved an order prohibiting the establishment of Wildlife Conservation and Management Plans in the county pursuant to Oregon Revised Statutes that allow the county to opt out of the program by January 1, 2003; otherwise, the county would not be able to opt out.

As the order points out, 66% of county land is in federal and state ownership, with another 28% in the hands of corporate timber. That leaves only 6% for farm, residential, commercial and industrial use in the county.

The document also notes that a significant amount of land in the county is already available for wildlife and states that if these special assessments were granted, they would remove land from production, thereby impacting local jobs.

In addition, the document states that the granting of the special assessments would create permanent and severe fiscal harm to Curry County and to other taxing districts in the county.

Chapter 15 of the Oregon Revised Statutes allowed for creation of wildlife habitat tax exemptions on private property zoned for exclusive farm use or mixed farm and forest use, giving counties the option of allowing owners of such property to apply for those exemptions and to receive a special property tax assessment.

With the passage of House Bill 3564 in 2001, Chapter 215 was amended to expand those private properties on which wildlife habitat exemptions are allowed to include forestland.

Finally, the document states that the county supports the conservation and enhancement of wildlife habitat on private property and encourages such conservation and enhancement through voluntary efforts, without the use of tax subsidies or other public funds.

LaBonté said she disagreed with the portion of the order that said local jobs would be affected. As it now stands, she explained, timber owners and farmers can not use their lands and stand to lose their tax deferment..."they will lose their jobs," she added.

Schafer responded that "It's ODFW's responsibility to maintain wildlife. They need to control animals." She referred to problems at the Gold Beach Airport where large deer populations on the property are creating potential safety hazards.

Schaaf said, "This was about a change of tax status in land." Exemptions shouldn't be subsidized by county government, she explained.

Two public hearings on the matter were held prior to Monday's decision.

The BOC also approved an application from the City of Gold Beach requesting funding from the Economic Development Funds for an Urban Renewal feasibility.

Regional Investment Funds would contribute \$6,795 toward the cost of the study with a committed cash match of \$952 from both the county and port for a total of \$8,699.

The study would determine the Urban Renewal area to ascertain the validity of eliminating blighted areas within the city, evaluate project boundaries and establish a preliminary boundary for the project, revenue scenarios, including tax increment financing, readiness to proceed and other information required prior to establishment of an Urban Renewal District.

The Commissioners approved the hiring of Steven Gibbon, who will assume the position of Deputy D.A. II in the District Attorney's office at an annual salary of \$43,598.

Gibbon formerly worked as a prosecutor for SCINT until budget restraints created a reduction in staff.

The BOC also selected the Port Orford Arts Council as fiscal agent for the county's Cultural Trust Planning Council. LaBonté said that the Cultural Trust Planning Council had recommended the Port Orford Arts Council to assume the responsibility.

In other business, the BOC okayed a request from State Court Administrator (Coos and Curry counties) Ed Jones to purchase video arraignment equipment from Court Security Funds.

Jones outlined the equipment needed to allow the courts to conduct video arraignments between the jail and courtrooms which, he told the Commissioners, would allow the Sheriff's office to save manpower among other benefits.

With the system in place, TV sets would be set up in both the jail and courtroom so the inmate could see the judge and court officials could see the inmate.

The necessary equipment will be purchased from Verizon since Verizon

equipment already exists at the court location in Coquille and for maintenance and compatibility purposes, Jones pointed out.

Herbage and Jones will draw up a contract and purchase orders for the items. Following a second reading of an amendment to the county code regarding county road standards, the county approved the order and emergency clause (for the health, safety and welfare of the residents of the county) contained within, which means the ordinance will become effective immediately.

Basically, the ordinance delineates utility locations with the county road right-of-way and sets a minimum height of 18 feet above the traveled road surface for pole line locations. In addition, poles shall be located not less than ten feet from the edge of the pavement on paved-surface roads or the edge of gravel on gravel-surfaced roads.

Other points of the amendment stipulate that buried cable or pipe depth shall not be less than 30 inches below the flow line of the roadside ditch and pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless permission is obtained from the County Roadmaster to locate elsewhere.

Commissioners' Reports

LaBonté reported on a number of meetings she has attended recently, including the November 7 Siskiyou Resource Advisory Committee meeting where 85 projects were rated.

The RAC funded approximately \$1 million in projects, mostly within the Siskiyou Forest, she noted. However, the committee did approve a re-paving project for Quosatana Campground but is seeking partial reimbursement from fire funds.

LaBonté also pointed out that planning dollars for the newly formed Curry Cultural Trust Planning Council and others are being delayed. But, she added, the planning effort will benefit arts and cultural groups in the county and explained that museums in both Curry and Del Norte counties are in the beginning stages of coordinating efforts.

In addition, LaBonté said she met with coastal legislators at the November 14 Oregon Coastal Zone Management meeting in Newport and discussed concerns about potential cuts in county programs by state agencies before reducing state level programs.

Hopefully, LaBonté said, phase II of the Boice Cope Park Project will be funded. She also explained that at the recent Association of Oregon Counties (AOC) conference, Schafer was elected Chair of District 4 (Jackson, Josephine, Douglas, Coos and Curry counties). At that meeting, LaBonté said the Commissioners learned about more funding cuts and PERS problems. This week, LaBonté plans to lobby for the National Schools and Counties Coalition for reauthorization of Public Law 106-393 and to attend the Coalition's board meeting in Washington, D.C.

At the District 4 meeting during the AOC conference, Schafer said that by being elected District Chair, she will gain a position on the AOC Board of Directors.

Schafer said that position will be important in the upcoming legislative session as she will be speaking to legislators frequently on issues that relate to her district.

Schafer also distributed copies of a resolution regarding salvage of burned timber that was brought to the floor during the AOC conference (see separate

story).

Discussion also took place, she explained, about the need to work together on Highway 199. Schafer said she will work to set up a combined meeting with the Oregon Department of Transportation, Cal-Trans, the federal legislators from California and Oregon, District 4 Commissioner and Del Norte County Supervisors.

All of the five counties saw a need to make sure that the region secures federal highway dollars to fix the problem, she added.

Schafer also pointed out that the county will face a number of challenges in the coming year, including an increase of more than five percent in PERS costs.

Schaaf underlined the problem that Curry County Human Services will face in the coming year as severe cuts from the state level are projected. In fact, the Commissioners met yesterday (Tuesday, November 26) with Human Services officials and others to discuss the potential impacts.

Appointments

Sybil Engdahl of Gold Beach was appointed to the Early Childhood Professional position (#16) on the Curry County Commission on Children and Families. The term will expire January 18, 2004.

Engdahl is the Area Manager for South Coast Head Start.

Commissioner Schafer was appointed to the Regional Work Force Committee and will serve as chair, representing Region 7 (Coos and Curry counties).

Upcoming Meetings

- Commissioners' consent calendar at 10 a.m. Wednesday, December 4 in the Commissioners' Hearing Room (CHR), located in the Courthouse Annex in Gold Beach.

- Commissioners' work session at 10:15 a.m. Wednesday, December 4 (CHR).

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P.O. Box 766

Gold Beach, OR 97444

541 247-6643

541-247-6644

For comments or questions, email [The Curry County Reporter](mailto:info@currycountyreporter.com).

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